

United States District Court

SEP - 6 2015

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Jose Alejandro  
A208 449 568  
United States Citizen

PRINCIPAL  
YOB: 1977

Case Number:

M-15- 1549 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 5, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Julio Rene Martinez-Juarez, a national of Guatemala, and Carlos Enrique Arcos-Gutierrez, a national Mexico, along with four (4) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near La Joya, Texas to the point of arrest near La Joya, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY  
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 5, 2015 at approximately 1:30p.m., La Joya Police Department Officer, R. Cruz, conducted a vehicle stop on a silver Chrysler PT Cruiser on Expressway 83, in La Joya due to an inoperable third brake light. When the officer approached the vehicle, he saw 7 people, 2 of which were in the rear hatch area, behind the back row of seats. The vehicle is only designed to carry 5 people including the driver. Some of the people could not produce identification, and Officer Cruz requested Border Patrol's assistance in determining alienage.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

September 6, 2015  
Date

4:21 p.m.

Adan De Los Santos Senior Patrol Agent  
Printed Name of Complainant

McAllen, Texas  
City and State

Peter E. Ormsby U. S. Magistrate Judge  
Name and Title of Judicial Officer

Peter E. Ormsby  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-15- 1549 -M**

**RE: Jose Alejandro**

**A208 449 568**

**CONTINUATION:**

Border Patrol arrived and interviewed everyone. The driver, identified as Jose Alejandro TREVINO, claimed to be a United States citizen. The 6 people he was transporting claimed to illegally in the United States.

All 7 people were transported to the McAllen Border Patrol Station. TREVINO was read his rights on scene, and on the way back to the station, he started murmuring that he was only giving the people a ride to the Wal-Mart in Penitas.

**PRINCIPAL'S STATEMENT:**

At the station, TREVINO told agents he did not want to make any statements without the presence of an attorney. Later, while agents were taking photos of his tattoos, TREVINO told agents that he wanted to talk to them. Agents declined to speak to him due to the fact he originally invoked his right to remain silent.

**MATERIAL WITNESSES' STATEMENTS:**

Both material witnesses were read their rights. Both stated they were willing to provide statements without the presence of an attorney.

1- Julio Rene Martinez-Juarez, a citizen of Guatemala, stated he illegally crossed the Rio Grande River, and was led through the brush by brush guides. The guides told Martinez that a car was coming to pick them up. When the car arrived, the guides told the group to run and board that car. According to Martinez, there was not enough room for him in the seats, so moved to the back compartment, behind the rear seats. Martinez was not able to get a good look at the driver, but did see that the driver had what appeared to be Chinese tattoos on his arms. Martinez also stated the driver never left the driver's seat at any time.

2- Carlos Enrique Arcos-Gutierrez, a citizen of Mexico, stated he was charged \$1,500 (USD) to be smuggled into the United States. After crossing the river, the foot guides told the group a vehicle would be picking them up. When the vehicle arrived, the guides told them to get in. Arcos stated the driver told them to lay down in the back seat so no one would see them. Arcos was only able to say the driver was smoking, but could not identify him. Arcos did say however, that the driver never left the driver's seat.